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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,527	05/09/2001	Serge Andre Rigori	5181-78400	6286

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,527

Applicant(s)

RIGORI ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-14, 16-18 and 21-35 is/are rejected.
- 7) ☐ Claim(s) 2, 3, 9, 10, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14, and 16-35 are presented for examination.

Allowable Subject Matter

2. Claims 2, 3, 9, 10, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and remedying any rejections under 35 USC 101 (claims 9 and 10).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-14 are rejected under 35 U.S.C. 101 because they encompass embodiments which are not tangible.

4. Claim 8 recites "a computer program...on a carrier medium" which can be construed is merely software code on a transmission medium (see ¶ 15 of the specification where "carrier medium" can be a storage medium or a transmission medium). As such a transmission medium is not statutory because a carrier wave is not tangible. The Office recommends amending "on a carrier medium" to "on a storage medium" to overcome this rejection. Correction is required.

5. Claims 9-14 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-8, 11-14, 16-18, and 21-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Irani (USPN 6,993,570).

7. Referring to claim 1, Irani discloses a service gateway operable to connect at least one local client 134 to an external network 154 (Figure 3; col. 8, lines 3-10); and hold at least one service module for providing a corresponding service, wherein the service gateway includes a control mechanism configured to respond to a request for a first service provided by a service module not present at the service gateway by sending one or more messages (i.e. secondary lookup service) to an external source (i.e. external network) by sending one message to an external source until a response from the external source identifies a first service module within the gateway (i.e. request listener registered for requesting module and can provide requested module) that is capable of providing the first service (i.e. "other modules may be asked to provide a

module until a match is found or there are no more request listeners”) (Figure 14, ref. 302, 304; col. 13, line 65 to col. 14, line 27); and

wherein the response received from the external source identifies a proposed service (i.e. module found) and includes an input stream (i.e. module object reference) comprising an encoded (the Office construes the term “encoded” to mean require the use of another entity to put the module into a form where it can be used), wherein the proposed service is a service required to decode the encoded version of the first service module (i.e. the module reference is returned to the requestor and is then loaded and initialized, which can be construed as the proposed service) (col. 14, lines 45-55).

8. Referring to claim 4, it is inherent that the control mechanism would have some form of deleting duplicate responses, otherwise the module listener table would be completely full if the system contacts other module providers.

9. Referring to claim 5, Irani discloses providing the service module with the encoded data (i.e. it is inherent that the initializer must receive the data in order to initialize the data and to load the data into the gateway) (col. 14, lines 45-55).

10. Referring to claims 6 and 7, Irani discloses the external source is a service provider or a gateway operator (i.e. module-provider modules) (col. 14, lines 10-15, 40-45).

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11. Claims 8, 11-14, 16-18, and 21-24 are rejected for similar reasons as stated above.

12. Referring to claim 25, Irani discloses the control mechanism comprises a resolver to determine whether a requested service is provided by the service gateway (i.e. request register registered for requesting module) (Figure 14, ref. 302); a negotiator to query an external source for identifying a further service for attempting to satisfy the service request (i.e. a loaded module matches the request description) (Figure 14, ref. 306); at least one response engine for processing information provided by the external source in response to the negotiator query (i.e. checks the list of modules to determine whether one of the modules matches the module descriptor) (col. 14, lines 20-25, 30-45); wherein the negotiator is configured to interrogate the response received in order to identify a message protocol and process the message in the identified protocol (it is an inherent feature that the response engine of Irani would be sent in a protocol, and that the message would be processed by the response engine of Irani) (col. 14, lines 34-35).

13. Referring to claim 26, Irani discloses a record identifying a service module for performing a service provided at the service gateway (i.e. listeners) (Figures 4-6; col. 14, lines 5-10).

14. Referring to claim 27, Irani discloses a resolver to determine whether a service is provided by the service gateway, and if so, identify to the requestor a service module for performing the service (Figure 14; ref. 302, 304, 314, and 316).

15. Referring to claim 28, Irani discloses the negotiator is responsive to a call from the resolver to identify and query an external source for the identity of a further service to attempt to satisfy the service request (Figure 14; ref, 310,312).

16. Referring to claim 29, Irani discloses the service provisioning mechanism is operable within a support framework with each of the resolver, the negotiator and the response engine being services registered with the framework (i.e. the provisioning mechanism is able to utilize each of these services) (Figure 14).

17. Claims 30-35 are rejected for similar reasons as stated above.

Conclusion

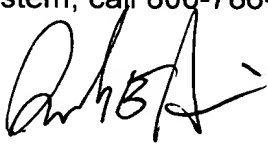
18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Joe Avellino', with a stylized flourish at the end.

Joseph E. Avellino, Examiner
August 23, 2006